

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, June 7, 2005

Tuesday, 9:05 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Martz, Schlapp, Skelton; present.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Reverend Sally Fahrenthold, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the May 24, 2005 meetings were approved 7 to 0.

AWARDS AND PROCLAMATIONS

Service Citation

Jean E. Pouncil-Burton.

Mayor Mayans acknowledged Ms. Burton for her 33 ½ years of service with the Wichita Public Library and presented her with a plaque.

Proclamations

Proclamations:

Mayor Mayans read the following proclamations:

Scleroderma Awareness Month-Officer Debra Miller and Company.

Kansas World Trade Center Day-Karyn Page.

Mayor Mayans

Homeownership Month.

Mayor Mayans stated that today we will do our part to support the national effort that President George Bush, through HUD, has developed in recognizing June as Homeownership Month. Asked the following people that have an impact on homeownership in Wichita to join him at the podium as we recognize this industry. The following persons are: James Arbertha, Power CDC; Andy Bias, Mennonite Housing; June Bailey, Community Housing Services; Wes Galyon, Wichita Area Builders Association; Mohan Kambampati, Wichita Indochinese Center; Rob Snyder, Central Plains Development; Tony Zimbelman, Zimbelman Construction; Mary K. Vaughn, Director of Housing & Community Services; and Mark Stanberry, Housing Services Department.

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PUBLIC AGENDA

Dee Stuart

DEE STUART, MAYOR PARK CITY-ECONOMIC DEVELOPMENT AND THE ECONOMY OF THE WICHITA AREA.

Mayor Stuart

Mayor Stuart stated that she is here to talk about the state of economic development in south central Kansas and is here on behalf of 1,200 Boeing employees who have lost their jobs in the last couple of weeks. Stated that when the City Council wanted to build a destination attraction for downtown Wichita, the people of Sedgwick County showed their generosity of spirit and voted to pay for it with a sales tax, without a plan and without a location but with faith in the abilities of those governing Wichita and Sedgwick County to do the right thing. Stated that project will create jobs. Stated that regarding the economic development of Sedgwick County and southern Harvey County, asked the Council to think about the I-135 Corridor, which benefits everyone in Wichita, including Kechi, Valley Center, Bentley, Newton and beyond. Stated as a former Council Member herself, it is the Council's job to see to the welfare of Wichita residents. Stated that the Iowa Casino is not likely to happen without the support of the Wichita City Council. This Casino is not asking for money but just approval. Stated that everywhere she goes, people ask her when we are going to get a casino. Stated that she tells them as soon as we get approval where it seems to really count, from legislative bodies. Stated that it is clear that the public support is there and that a scientific poll that was shown last night shows that 54% of those contacted are in support of the casino. Stated that the Wichita City Council Members gave Onex one billion dollars in IRBs to make 1,200 jobs disappear. Asked if the Council can allow \$270 million dollars in private money that will create 2,500 jobs, to get away from us. Stated that this is an instance where no decision could be a "no" vote. Asked the Council to express their support for economic development and south central Kansas in the form of a resolution in favor of this project.

Mayor Mayans

Mayor Mayans stated that he would like to clarify for the record that the Council did not give Onex one billion dollars in IRBs, so that they could do away with 1,200 jobs. Stated that they approved a letter of intent so that after they work their deal with Boeing and the unions and expand the plant, then we could be there to help with job creation.

CONSENT AGENDA

Motion--carried
--carried

Mayans moved that the Consent Agenda items 2 to 24 except for item 11, be approved as presented Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JUNE 6, 2005.

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

2005 Contract Maintenance Asphalt Mill & Overlay, and Overlay - south of 13th Street North, west of Seneca. (472-84155/132718/620426/665546) Traffic to be maintained during construction using flagpersons and barricades. (Districts IV, V)

Kansas Paving Company - \$519,739.60 (Engineer's Estimate)

Lateral 148, Main 4, Sanitary Sewer #23 to serve Walnut Grove Addition - north of 33rd Street North, east of Janette. (468-84008/744116/480804) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

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Padgett Excavation - \$5,500.00

31st Street South and Bonn Storm Water Sewer Improvements - north side of 31st Street South, between Bonn and Hiram. (562-854110/660500/854110) Traffic to be maintained during construction using barricades and flagpersons. (District IV)

WB Carter Construction - \$15,346.00

Temporary Frontage Road for Carmax - south side of Kellogg, east of Webb Road. (472-84141/765929/490042) Traffic to be maintained during construction using barricades and flagpersons. (District II)

Cornejo & Sons Construction - \$98,180.80

Glenmoor from the north line of Zimmerly to the south line of Lincoln; Glenmoor Court serving Lots 1 thru 9, Block 4 from the east line of Glenmoor to and including the cul-de-sac; Glenmoor Court serving Lots 13 thru 26, Block 4 from the east line of Glenmoor to and including the cul-de-sac; Sidewalk on one side of Glenmoor from the north line of Zimmerly to the south line of Lot 13, Block 4 to serve Woodland Lakes Estates 3rd Addition - south of Lincoln, west of 127th Street East. (472-83717/765927/490040) Does not affect existing traffic. (District II)

Cornejo & Sons Construction - \$220,809.50

Motion--

Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

WATER AND SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Concrete Pads.

Barkley Construction - \$ 64,400.00* (Group 1 Total Net Bid)

*Estimate – contract approved on unit cost basis.

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: City Hall Atrium Entrance Expansion.

Commerce Construction Services Inc. – \$ 822,000.00 (Total Base Bid)
\$6.50 (Group 1/Option 1) per lineal foot - add
\$5.00 (Group 1/Option 2) per lineal foot - deduct

WATER AND SEWER DEPARTMENT/CUSTOMER SERVICE DIVISION: Water Meters, Cold Compound 2"-6".

Badger Meter Inc. - \$163.405.00* (Group 1 Total Net Bid)

*Estimate – contract approved on unit cost basis.

WATER AND SEWER DEPARTMENT/CUSTOMER SERVICE DIVISION: Cold Water Meters with Electronic Regist.

AMCO Water Metering Systems Inc. - \$ 11,327.00* (Group 1 Total Net Bid)
\$374,950.00* (Group 2 Total Net Bid)

Badger Meter Inc - \$ 55,402.75* (Group 3 Total Net Bid)
AMCO Water Metering Systems Inc - \$ 34,175.00* (Group 4 Total Net Bid)
\$ 24,982.00* (Group 5 Total Net Bid)

*Estimate – contract approved on unit cost basis.

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PUBLIC WORKS DEPARTMENT/STREET MAINTENANCE DIVISION: Joint and Crack Seal.

Deery American Corporation - \$ 43,000.00* (Group 1 Total Net Bid)

*Estimate – contract approved on unit cost basis.

AIRPORT/ENGINEERING: Runway Joint Reseal.

Musselman & Hall Contractors - \$119,400.00 (Group 1 Total Net Bid)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Door, Windows, Carpet and Vinyl Tile Replacement.

Wichita Door Controls - \$ 3,801.00 (Group 1 Total Net Bid)

S & A Construction Inc - \$ 10,642.00 (Group 2/Total Net Base Bid)

\$ 680.00 (Group 2/Option 2)

\$ 2,945.00 (Group 3 Total Net Bid)

\$ 8,958.00 (Group 4 Total Net Bid)

POLICE DEPARTMENT/LAW ENFORCEMENT TRAINING CENTER DIVISION: Paint Law Enforcement Training Center.

RBP Inc. - \$ 13,900.00 (Group 1 Total Net Bid)

VARIOUS DEPARTMENTS/DIVISIONS: Sand, Gravel, Rock, Top Soil, Fill Dirt.

H & K Hauling - \$ 60,760.00* (Group 11 Total Net Bid)

*Estimate – contract approved on unit cost basis.

Motion--
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
Kulwinder S. Jaswal	Petro America	2700 North Amidon
Loan H. Le	KC Gas & Groceries #1	1102 West Maple
Long Pham	Asian Market, Inc.	1815 East Central
Manoj Patel	Anand LLC	4003 South Broadway
Saeed Mansouri	A.M. Conoco	12728 East Central
Mark Branham	Quik Trip #313	3164 South Hillside
Mark Branham	Quik Trip #320	1021 West 31st Street South
Mark Branham	Quik Trip #321	6011 West Central
Mark Branham	Quik Trip #325	1414 North Oliver
Mark Branham	Quik Trip #326	2010 South Broadway
Mark Branham	Quik Trip #328	2801 South Hydraulic
Mark Branham	Quik Trip #329	5602 East Harry
Mark Branham	Quik Trip #343	242 South Tyler
Mark Branham	Quik Trip #345	4020 South Meridian
Mark Branham	Quik Trip #347	1532 South Seneca
Mark Branham	Quik Trip #349	1112 West Douglas
Mark Branham	Quik Trip #353	110 South Rock Road
Mark Branham	Quik Trip #356	4808 South Hydraulic
Mark Branham	Quik Trip #358	7120 West 21st Street North
Mark Branham	Quik Trip #360	3933 West 13th Street North
Mark Branham	Quik Trip #366	1620 South Webb Road
Mark Branham	Quik Trip #368	626 West 21st Street North

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Mark Branham	Quik Trip #369	3216 East Harry
Mark Branham	Quik Trip #372	3106 East Pawnee
Mark Branham	Quik Trip #373	1610 East Lincoln
Mark Branham	Quik Trip #374	10315 West 13th Street North
Mark Branham	Quik Trip #376	2106 South Rock Road
Mark Branham	Quik Trip #378	5611 South Broadway
Mark Branham	Quik Trip #383	11223 East Central
Mark Branham	Quik Trip #384	510 West Pawnee
Mark Branham	Quik Trip #386	1010 East Douglas
Mark Branham	Quik Trip #388	7991 East 37th Street North
Mark Branham	Quik Trip #389	4730 East Central
Mark Branham	Quik Trip #391	730 North Broadway

<u>New Establishment</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
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Donna M. Unrein	Cappie's Sandwich & Subs	2415 West 31st Street South
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<u>New Establishment</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
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Michael Shea	Old Town Market	626 East Douglas
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<u>Special Event</u>	<u>Date</u>
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David Dunn	June 11-12, 2005	1201 East Central
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*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--
--carried

Mayans moved that the licenses subject to Staff review and approval be approved. Motion carried 7 to 0.

PRELIM. ESTS.

PRELIMINARY ESTIMATES:

- a) Lateral 1, Main 16 Four Mile Creek Sewer to serve Oak Creek Addition - south of 21st Street North, west of Greenwich. (468-83984/744121/480809) Does not affect existing traffic. (District II) - \$294,000
- b) Water distribution system to serve Oak Creek Addition - south of 21st Street North, west of Greenwich. (448-90067/735253/470924) Does not affect existing traffic. (District II) - \$200,000
- c) Water distribution system to serve The Waterfront Addition - north of 13th Street North, east of Webb. (448-90037/735240/470911) Does not affect existing traffic. (District II) - \$72,000
- d) Lateral 3, Main 4 Northwest Interceptor Sewer to serve Copper Gate North Addition - north of 13th Street North, west of 135th Street West. (468-83907/744120/480808) Does not affect existing traffic. (District V) - \$311,000
- e) Lateral 4, Main 4 Northwest Interceptor Sewer to serve Cheryl's Hollow Addition - north of 13th Street North, west of 135th Street West. (468-83937/744100/480788) Does not affect existing traffic. (District V) - \$163,000
- f) Water distribution system, Phase 3 to serve Avalon Park Addition - north of 37th Street North, east of Tyler. (448-89868/735249/470920) Does not affect existing traffic. (District V) - \$22,100
- g) Water distribution system, Phase 4 to serve Avalon Park Addition - north of 37th Street North, east of Tyler. (448-89869/735250/470921) Does not affect existing traffic. (District V) - \$46,000

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- h) Water distribution system, Phase 5 to serve Avalon Park Addition - north of 37th Street North, east of Tyler. (448-89870/735251/470922) Does not affect existing traffic. (District V) - \$59,400
- i) Lateral 10, Main 19 Southwest Interceptor Sewer to serve Avalon Park Addition - north of 37th Street North, east of Tyler. (468-83690/744117/480805) Does not affect existing traffic. (District V) - \$44,400
- j) Lateral 11, Main 19 Southwest Interceptor Sewer to serve Avalon Park Addition - north of 37th Street North, east of Tyler. (468-83691/744118/480806) Does not affect existing traffic. (District V) - \$82,280
- k) Lateral 12, Main 19 Southwest Interceptor Sewer to serve Avalon Park Addition - north of 37th Street North, east of Tyler. (468-83692/744119/480807) Does not affect existing traffic. (District V) - \$167,000

Motion--carried

Mayans moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

FOX RIDGE ADD.

**PETITION FOR SANITARY SEWER AND WATER DISTRIBUTION SYSTEM
IMPROVEMENTS FOR FOX RIDGE ADDITION, NORTH OF 29TH STREET NORTH,
WEST OF TYLER. (DISTRICT V)**

Agenda Report No. 05-0505

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide sanitary sewer and water service to a new residential development located north of 29th St. North, west of Tyler.

The Petitions total \$300,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-297

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90079 (north of 29th street north, west of Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-298

Resolution of findings of advisability and Resolution authorizing construction Lateral 2, Main 6, Northwest Interceptor Sewer (north of 29th street north, west of Tyler) 468-84021, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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BOARD MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Deferred Compensation Board of Trustees, quarterly meeting, February 10, 2005
District III Advisory Board, March 2, 2005
District V Advisory Board, April 4, 2005
Wichita Airport Advisory Board, April 4, 2005
District III Advisory Board, April 6, 2005
Wichita Employees', Police & Fire Retirement Board, April 7, 2005
Board of Electrical Appeals, April 12, 2005
District III Advisory Board, April 20, 2005
Police and Fire Retirement System, April 20, 2005
Wichita Employees' Retirement System, April 20, 2005
Wichita Employees', Police & Fire Retirement Board, Special Joint Investment Committee,
April 22, 2005
Board of Electrical Appeals, special meeting, April 26, 2005
Wichita Public Library, monthly report, April 2005

Motion--carried Mayans moved that the Minutes be received. Motion carried 7 to 0.

STREET CLOSURES

SOUTHBOUND MERIDIAN FROM PAWNEE TO 31 STREET SOUTH, (DISTRICT IV)

Agenda Report No. 05-0545

Cornejo & Sons, Inc. has contracted to reconstruct Meridian Avenue from Pawnee to 31st Street South. Work is scheduled to begin June 7, 2005 and will initially consist of the removal and replacement of the west half of Meridian, from its intersection with Pawnee to 31st Street. Construction of the new pavement on the west half of Meridian will require that the existing pavement be removed to a point beyond the existing centerline, and will result in pavement sections too narrow to safely and efficiently maintain two-way traffic. To minimize traffic and related construction safety concerns, the contractor is requesting that Meridian, from Pawnee to 31st St., be closed to southbound traffic for a period of eight weeks. The requested street closure is tentatively scheduled to begin approximately 9:00 a.m. Thursday, June 9, 2005 and be completed on or before 6:30 a.m. Thursday, August 4, 2005.

Cornejo & Sons, Inc. is responsible for the placement of the required detour and construction signs and barricades and the notification of area businesses and residents. During the street closure, southbound traffic on Meridian will be detoured as follows:

Southbound Meridian traffic will be detoured east from Meridian on Pawnee to Seneca, south to 31st Street South, and then west to Meridian.

Motion--carried Mayans moved that the street closures be approved. Motion carried 7 to 0.

FINANCIAL RPT.

FINANCIAL REPORT FOR THE QUARTER ENDING MARCH 31, 2005.

Motion--carried Mayans moved that the file be received. Motion carried 7 to 0.

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AGREEMENTS/CONTRACTS:

KDHE

RENEWAL OF FOOD SERVICE ESTABLISHMENT INSPECTION CONTRACT WITH KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT.

Agenda Report 05-0506

The Environmental Health Department has conducted inspections of food service establishments within Sedgwick County on behalf of the KDHE for over twenty-five years. Local staff enforces state regulations and utilizes state enforcement mechanisms as appropriate. KDHE remits eighty percent of license revenue (as established by Kansas statute) to the City, and provides enforcement assistance and training for local staff. KDHE has proposed renewal of this contract for state fiscal year 2006 (July 1, 2005 through June 30, 2006.)

Contract inspections by local entities reduce duplication of effort, provide a single source of contact for industry and citizens, and contribute substantially to local food protection budgets.

Staff estimates the value of the contract at approximately \$328,000 annually, representing the major funding source for local food protection activities. A similar contract with the Kansas Department of Agriculture for inspections of food service establishments located in retail food stores is projected to yield approximately \$32,000, and \$35,000 is projected from the sale of City grocery and food processor licenses.

Motion--
--carried

Mayans moved that the contract with the Kansas Department of Health and Environment be approved and the necessary signatures authorized. Motion carried 7 to 0.

WATERLINE

WATERLINE ALONG MACARTHUR FROM WEST STREET TO HOOVER. (DISTRICT V) – SUPPLEMENTAL.

Agenda Report No. 05-0508

On April 20, 1999, the City entered into an Agreement with Poe & Associates, Inc. for designing a 16" water line along MacArthur from West Street to Hoover for a design fee of \$13,200.

The limits of the project have been revised. The water main will not cross the Big Ditch at MacArthur. Rather, the water main will be extended as a localized supply line to serve newly developing plats in the area and existing developed property. Poe has been asked to update and revise the plans for the project. Revisions shall include downsizing the diameter of the proposed water main from 16" to 12", updating topography shown on the plans that may have changed, and revising all corresponding notes on the plans. The proposed Supplemental Agreement provides for the revisions to the plans.

Payment to Poe will be on a lump sum basis of \$2,200, and will be paid by Revenue Bonds.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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DESIGN SERVICES AGREEMENTS

FALCON FALLS

FALCON FALLS ADDITION, SOUTH OF 53RD STREET NORTH, WEST OF HILLSIDE. (DISTRICT I)

Agenda Report No. 05-0509

The City Council approved the paving improvements in Falcon Falls Addition on February 4, 2003.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of paving in Falcon Falls Addition. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$21,000, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

AVALON PARK

AVALON PARK ADDITION, NORTH OF 37TH STREET NORTH, EAST OF TYLER. (DISTRICT V)

Agenda Report No. 05-0510

The City Council approved the water distribution system, sanitary sewer and paving improvements in Avalon Park Addition on September 9, 2003.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond financed improvements consisting of water distribution system, sanitary sewer and paving in Avalon Park Addition. Per Administrative Regulation 7a, staff recommends that PEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to PEC will be on a lump sum basis of \$50,000, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

OAK CREEK ADD.

OAK CREEK ADDITION, SOUTH OF 21ST STREET, WEST OF GREENWICH. (DISTRICT II)

Agenda Report No. 05-0511

The City Council approved the water distribution system, sanitary sewer and paving improvements in Oak Creek Addition on May 3, 2005.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond-financed improvements consisting of water distribution system, sanitary sewer and paving in Oak Creek Addition. Per Administrative Regulation 7a, staff recommends that PEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to PEC will be on a lump sum basis of \$152,000, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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**(AGENDA ITEM 11)
CHANGE ORDER**

**(This Item was taken up later in the meeting; action is shown in Agenda order)
SEWAGE TREATMENT PLANT MODIFICATIONS – CHANGE ORDER.**

Agenda Report No. 05-0512

The City awarded Utility Contractors, Incorporated (UCI) a Contract in the amount of \$3,744,000 for the construction of new structures, and rehabilitation of old structures and equipment at Sewage Treatment Plants 1 and 2. The work included additional odor control and new electrical components for Plant 1, and additional primary solids handling for Plant 2.

Change Order No. 1 is a combination of ten (10) proposed contract modifications (PCMs). All of the PCMs reflect either a reduction in cost, or added value to the City. The majority of the Change Order is related to replacing a section of a 60-inch pipeline that is fifty years old.

Modifications to the Contract include additions of \$413,734 with deductions of \$34,471 for a net increase of \$379,263. Funding is available in CIP S-523, Plant 1 Improvements.

Law has reviewed the Change Order and approved it as to form.

Mayor Mayans Mayor Mayans asked the City Manager for explanation as to why this is happening and was not included as part of the original contract.

George Kolb City Manager stated that the Director of Water and Sewer is not present at this time but will ask him to come and explain.

Mayor Mayans Mayor Mayans stated that the Council would proceed and return to this item when David Warren is present.

Dave Warren Director of Water and Sewer Department present later in meeting to respond. Response and Action shown in Agenda Order.

Mayor Mayans Mayor Mayans inquired about the analysis on the green sheet. Stated that a project that has 10 proposed contract modifications is discerning to him.

Dave Warren Director of Water and Sewer explained that the reference here is the original construction plans for this plant, which go back into the 1930's and at that time the Engineer did not make good plans that later showed where these obstructions might have been. Stated that in case of the largest part of this change order, related to 700 feet of 60-inch pipeline, which has failed due to its age and condition. This is something that they could not have foreseen. Stated that they are aware that the drawings are old and that they may not be as accurate as you would want them to be and the only way to confirm the location of these things would have been to go out and actually excavate around those obstructions at a costs and that they believed it was more prudent to proceed and took a chance that they might not run into these obstructions but did not occur the costs of excavating them and then having the cost anyway.

Mayor Mayans Mayor Mayans stated that it is discerning to him that people may be bidding on things and we do not ever know the price, especially when they have this many changes and encourages staff when doing bidding process to come a little closer than \$400,000.00 from the original costs.

Motion -- Mayans moved that the Change Order be approved and the necessary signatures authorized.
--carried Motion carried 7 to 0.

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PROPERTY ACQUISITIONS:

SOUTH BYRON

ACQUISITION OF SANITARY SEWER EASEMENT TO SERVE THE 100 BLOCK OF SOUTH BYRON. (DISTRICT V)

Agenda Report No. 05-0513

The City Council adopted a Resolution on August 6, 2004 declaring it in the public interest to construct a sanitary sewer lateral to serve 120, 150 and 200 South Byron. The project will be funded through special assessments. A 20-foot wide easement is required across 120 South Byron to construct this lateral.

The easements contain approximately 2,570 square feet and will not affect any improvements. The owner has agreed to grant the easement for a negotiated amount of \$3,000.

The budget of \$3,000 is requested. The acquisition will be funded from assessments to the assessment district.

Motion--
--carried

Mayans moved that the Budget and the Easement be approved and the necessary signatures authorized. Motion carried 7 to 0.

MERIDIAN/53RD ST.

PARTIAL ACQUISITION OF LAND AND EASEMENTS FOR THE NORTH AREA SEWER SANITARY LINE NEAR MERIDIAN AND 53RD STREET NORTH. (DISTRICT VI)

Agenda Report No. 05-0514

On October 21, 2003, the City Council approved the construction, extension of a vacuum sanitary sewer line and pump lift station to provide service to newly developing areas in north Wichita. This project requires the acquisition of utility easements on 10 tracts of land for permanent easements and a lift pump station, utility easements to the facility and temporary construction easements on property owned by multiple landowners.

The forth tract of ten is owned by Vineyard Christian Fellowship. This tract consists of 25.14 acres or also known 1,095,098 square feet. The permanent utility easement encompasses 52,095 square feet along the southern property line and western portion of the their property. The temporary construction easement will impact 87,784 square feet only during construction. The property owner has agreed to provide the necessary easements to the City for \$7,100, \$5,100 for the easements plus an additional \$2,000 for damages to crops and trees. The land transaction equates to \$.09 per square foot for the permanent easement.

A budget of \$7,600 is requested. This includes \$7,100 for the acquisition and \$500 for title work, closing costs, etc. The funding source is the sewer utility.

Motion--
--carried

Mayans moved that the Budget, the Real Estate Purchase Contract, Utility Easements and Temporary Easement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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1242 N. MARKET

PARTIAL ACQUISITION OF 1242 NORTH MARKET AS A PORTION OF THE ABANDONED UNION PACIFIC RAIL CORRIDOR FOR THE MIDTOWN GREENWAY. (DISTRICT VI)

Agenda Report No. 05-0515

In 1999, the Union Pacific Railroad abandoned the rail corridor that runs from Central Ave. and Wichita Street to 15th Street and Broadway. Through this abandonment, rights to the corridor reverted to the adjacent property owners on both sides. The city has reviewed the former Corridor and decided that it could be utilized to develop a greenway/lineal park connecting Horace Mann, Irving and Park Schools and the bicycle path on Central. In April 2002, the City Council approved \$74,000 in CDBG funding to acquire portions of the abandoned Union Pacific corridor from Central to 15th St. from the adjacent owners.

In order to provide a safe crossing at 13th Street, the project requires the acquisition of a strip along the north side of the property at 1242 North Market. The strip contains 1,190 square feet. The project will also require that the access drive from 13th Street be moved west, the property sign be moved and several parking places be removed. The owner has agreed to accept \$13,255.60 as compensation for the required land and the described site changes.

A budget of \$14,255 is requested for the acquisition. This includes \$13,225 for the acquisition and \$1,000 for closing costs. The funding source is previously approved CDBG funds.

Motion--
--carried

Mayans moved that the budget and the real estate purchase contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

LEASE ANTENNA

ASSIGNMENT OF LEASE ANTENNA SITE ON MCLEAN MANOR. (DISTRICT VI)

Agenda Report No. 05-0516

In September 1999, the City Council approved a lease with AT&T Wireless PCS allowing the placement of a wireless antenna array on the roof of McLean Manor at 2627 West 9th Street North. McLean Manor is an eight-story apartment building operated by the Wichita Housing Authority. The original lease term was ten years with annual rent of \$10,000 per year for the first three years, \$12,000 per year for years four and five and \$13,800 per year for the remainder of the term. Last year, AT&T Wireless PCS became Cingular Wireless PCS, LLC. Cingular has requested that they be allowed to transfer their rights and obligations under the lease to ALLTEL Corporation.

The lease agreement provides for assignment upon approval of the City. Upon assignment, ALLTELL will be bound by the same responsibilities and duties as Cingular.

The City revenues from the lease remain unchanged.

Motion--
--carried

Mayans moved that the assignment request be approved and the necessary signatures authorized. Motion carried 7 to 0.

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PARK ENTRANCE

PARK ENTRANCE SIGNAGE.

Agenda Report No. 05-0517

The current standard sign design has been in use for many years and has become outdated. In an effort to improve the appearance and identity of the City's Park system, staff is recommending that park entrance signage be updated and redesigned. A new park system logo has also been recommended by staff to enhance the awareness of the City's park system. It is the intent of the Park Department to create a new look and identity for Wichita parks that is aesthetically pleasing, durable, and easy to maintain.

On December 21, 2005, City Council approved expenditures for the 2005 Park Capital Improvement Plan for Parking Lots, Signage and Entry Drives (All Districts) in the amount of \$400,000. As part of that approval, funding was provided for the development of design and construction documents for new signage in the City's Park system.

A Request for Proposal (RFP) was developed to select a vendor to design and develop sign prototypes which would be appropriately scaled for the size of the park, whether it be a regional, community, or neighborhood park. Vendors were asked to propose on this project, based on their knowledge and background, as specified in the RFP.

On March 23, 2005, the City received proposals from four companies interested in providing design services for park signage. The companies which submitted proposals were Sheldon Architecture, Baughman Company, McCluggage Van Sickle and Perry w/Gardner Design, and Guidance Group, Inc. On April 20, 2005, the Staff Screening and Selection Committee selected McCluggage Van Sickle and Perry (MVP) with Gardner Design and the Guidance Group to participate in the interview process. On May 3, 2005, MVP and Gardner Design was selected, based on previous design experience with similar projects, understanding of project requirements, and the ability to execute the projects in a timely manner.

Funding for these projects is provided through the 2005 Park Capital Improvement Program for Parking Lots, Signage and Entry Drives. The total fee for design services is \$28,500.

The Law Department will review and approve the purchase contract as to form.

Motion--

Mayans moved that the recommendation of the Selection Committee to obtain professional design services from the firms of McCluggage Van Sickle and Perry and Gardner Design be approved; the purchase contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

--carried

REST. COVENANT

APPROVAL OF RESTRICTIVE COVENANT. (DISTRICT I)

Agenda Report No.05-0518

The City of Wichita requested approval from the Kansas Department of Health and Environment (KDHE) to utilize a city-owned borrow pit located near K-96 and Grove for the disposal of limbs and tree debris associated with the January 4, 2005 ice storm. This site has been used for the disposal of street maintenance materials but was not permitted for other types of waste such as wood waste. This site was chosen as it provided a convenient and efficient disposal site for the east side of Wichita. KDHE approved the site as an emergency wood disposal site, and issued an Authorization for Disposal of Solid Waste Without a Permit for the limb disposal. As a condition for the authorization, KDHE required that a restrictive covenant be filed with the Register of Deeds after the placement of limbs was concluded and the site was closed. Disposal of limbs at the site was concluded on March 14, 2005, and the site was closed and covered in accordance with KDHE requirements.

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The Restrictive Covenant requires the Owner (City) to protect the integrity of the environment, and protect any required markers and monitoring systems on the site. The Covenant also requires the Owner (City) to consult with KDHE in the planning of any improvements to the site, and obtain their approval before commencing improvements, excavations, or permanent structures on the site, and grants an easement to KDHE over the site to review closure activities, perform any needed monitoring, or sample or repair any waste containment system or environmental monitoring stations. The conditions, restrictions, and/or covenants related to the site run with the land, and can be extinguished only by written agreement between the Owner (City) and KDHE. The proposed future use of the site, once its use as a clean rubble fill is concluded, is for Park Open Space. No permanent structures are anticipated.

There is no cost associated with this action.

Motion--
--carried

Mayans moved that the restrictive covenant be approved and the necessary signatures authorized. Motion carried 7 to 0.

SEWER LINE REPL. SEWER LINE REPLACEMENT. (DISTRICT I)

Agenda Report No. 05-0519

During the first week of May, information was received that a developer had plans on file with the Office of Central Inspection to redevelop the site at 427 N. Hillside for construction of a Taco Bueno restaurant and demolish the existing buildings.

The length of the site runs from Hillside on the east, to Lorraine on the west. The City has a sanitary sewer main that runs through the center of the proposed site from the north to south. A portion of the existing sanitary sewer main needs to be replaced, and a manhole needs to be relocated on the sewer line for adequate maintenance access.

Taco Bueno is planning to begin construction the second week of June. The formal bid process to reconstruct the sewer line would push beginning construction of Taco Bueno to the second week of August. To help expedite the sewer reconstruction, the Law Department approved proceeding by getting informal bids.

Staff contacted eight (8) local contractors for informal bids and WB Carter submitted the low bid of \$9,966. The project will be funded from future revenue bonds and/or Sewer Utility cash reserves.

There are no legal considerations.

Motion--carried

Mayans moved that the project be approved. Motion carried 7 to 0.

SEWER LINE REPL. SEWER LINE REPLACEMENT. (DISTRICT VI)

Agenda Report No. 05-0520

Staff has identified a need to upsize a portion of the sanitary sewer line located in 10th Street North, west of Sheridan. Identification was made through television inspection of the sewer pipe and by flow testing evaluations.

The Water & Sewer Department has rehabilitated and/or reconstructed sanitary sewers with methods that include open cut excavation, cast-in-place liners and pipe reaming methods. In the area of 10th & Sheridan, the sewer pipes were lined with cured-in-place liner years ago, but now they need to be upsized to accommodate increasing demands to the sewer system.

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The ability to use pipe reaming in this area would help keep replacement costs down and would also minimize disruption to area residents, since the sewer line runs under numerous driveways. Using the pipe reaming method in combination with cured-in-place liner has not been tested, and this presents an opportunity to further test the technology and assist the City in future sewer line replacements.

Nowak Construction is the only local contractor that performs the pipe reaming method. Staff contacted Nowak Construction and received a proposal to replace 232 feet of sewer line to perform the test. This section can be open cut, so the pipe replacement may be completed by regular methods should the reaming demonstration fail for any reason. Inspection of the project will be coordinated with Public Works Engineering.

Total cost for the sewer replacement is \$21,320. Funds are available in CIP S-4, Reconstruction of Old Sanitary Sewers. The project will be funded from future revenue bonds and/or Sewer Utility cash reserves.

There are no legal considerations.

Motion--carried

Mayans moved that the project be approved and Staff authorized to proceed. Motion carried 7 to 0.

CIP FUNDS

TRANSFER OF CIP FUNDS.

Agenda Report No. 05-0521

Each year, the City Council authorizes Water & Sewer Department Capital Improvement Program expenditures for the following Capital Improvement Programs:

Reconstruction of Old Sanitary Sewers (S-4)
Sewer Mains for Future Development (S-5)
Water Distribution Mains for Future development (W-65)
Water Distribution Main Replacement (W-67)

Subprojects are defined and identified as necessary, or as development is taking place. The cost for the subproject is estimated and a budget is set up using funds from the appropriate CIP. As subprojects are completed, the remaining budget is transferred to the main project, available to be used for other subprojects initiated during the same year. Since all projects cannot be completed in one fiscal year, not all of the appropriated funds can be spent in the year for which they were approved.

Staff requests authorization to transfer remaining 2004 funds to the current year's budget and to amend the bond resolutions for the current year. This will clarify spending and bonding authority for projects not completed in one fiscal year, and for funds remaining when subprojects are completed during a subsequent fiscal year. This process avoids the need to over budget for projects to cover the estimated, rather than the actual costs.

The following amounts were not used in 2004 and are needed in 2005. Transferring the funds will not increase CIP expenditures.

·	S-4	\$510,200
·	S-5	-0-
·	W-65	\$3.857 million
·	W-67	-0-

City Council approval is required to transfer CIP budget authority.

Motion--
--carried

Mayans moved that the transfer of funds be approved; the CIP amended; the amended Resolutions adopted and the necessary signatures authorized. Motion carried 7 to 0.

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RESOLUTION NO. 05-310

A Resolution Amending Resolution No. R-04-670 pertaining to the Reconstruction And/Or Rehabilitation of Sanitary Sewers (S-400) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-311

A Resolution Amending Resolution No. R-04-672 pertaining to the Water Mains for Future Development (W-065) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

SETTLEMENT

PAYMENT FOR SETTLEMENT OF LAWSUIT, (\$17,500.00).

Agenda Report No. 05-0522

In October of 2002, a bus and car accident occurred, causing plaintiff physical injury. The bus driver was terminated for this accident.

After litigating this action through discovery, evaluating the extent of the claimed damages, and considering the risks of trial, the City determined that a resolution of this matter is appropriate. After pre-trial negotiation, the City has been offered an opportunity to resolve the claim with a lump sum payment as full settlement of all claims arising out of this incident. Because of the risks associated with litigation, the Law Department recommends acceptance of the offer.

Funding for this settlement is from the transit operating fund.

The Law Department recommends acceptance of the offer of settlement.

Motion--
--carried

Mayans moved that the payment of \$17,500.00 as a full settlement of the lawsuit be authorized
Motion carried 7 to 0.

SETTLEMENT

PAYMENT FOR SETTLEMENT OF LAWSUIT, (\$49,000.00).

Agenda Report No. 05-0523

In September of 2000, a bus and car accident occurred, causing plaintiff physical injury. The facts of the occurrence and the ultimate significance of the injuries were contested.

This matter was litigated through discovery, when the court ordered the parties to engage in mediation. After analysis and negotiation, through the use of and with the benefit of the independent evaluation of a mediator, the City mediation team reached an agreement with the opposing party as to the contingent value of the case, and recommends acceptance of the terms agreed upon with the parties.

Funding for this settlement is from the transit operating fund.

The Law Department recommends acceptance of the mediated resolution.

Motion--
--carried

Mayans moved that the mediation agreement be ratified and payment of \$49,000.00 as a full settlement of the lawsuit, with an additional \$1,000.00 as one half of the mediation expenses be authorized.
Motion carried 7 to 0.

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CMF EXPANSION

CENTRAL MAINTENANCE FACILITY (CMF) EXPANSION. (DISTRICT IV)

Agenda Report No. 05-0524

The Central Maintenance Facility (CMF), located at 1801 S. McLean Blvd., includes buildings housing the shops and offices for Fleet Maintenance, Central Stores, Water and Sewer Operations, Storm Water, Flood Control, Park Arborist, Street Maintenance, Street Cleaning, Traffic Maintenance and Field Engineering for the Engineering Division of Public Works. The entire facility is overcrowded, with significant shortages in both interior space and exterior space. At the present time, the shortage of office space in the building occupied by the various Public Works field maintenance operations and by Field Engineering is critical. Lack of space is limiting their productivity.

Funds were included in the 2004 CIP for CMF Expansion, but this was based on a concept of expansion through land acquisition. Environmental issues and land availability issues became such that the funds were not initiated and that concept was not pursued. The current concern is how to provide adequate office facilities within the existing site limitations.

In 1995 a Maintenance Master Plan was completed for the CMF. However, operations have changed since the study was conducted and some operations have been relocated to other City maintenance facilities. The original Master Plan needs to be revisited to study the feasibility of expanding the campus and/or relocating some operations into other City-owned facilities.

The first phase of this project will be a Concept Study and Preliminary Design for an amount not to exceed \$35,000.00. Once the concept study is completed and viable options are determined, staff will have the information necessary to develop recommendations for Council's consideration. Then with Council approval, a final design can be developed and implemented.

The proposed 2005-2014 Capital Improvement Program (CIP), which has not yet been approved, includes \$150,000 for CMF Expansion design in 2005 (PB-350404) (Project No. 435405, OCA 792455) and \$1.250 million for construction in 2006 - 2007 for a total of \$2.650 million. Only authorization for \$35,000 is being requested at this time.

Motion--
--carried

Mayans moved that the project be approved; the Resolution adopted; Staff authorized to select a consultant and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-299

Resolution authorizing a project to conduct a design study of the possible consolidation of field operations of Public Works, Parks and Water and Sewer departments at the city's existing Central Maintenance Facility at 1801 South McLean Boulevard; and authorizing the issuance of bonds of the City of Wichita, Kansas, to pay all or a portion of the cost thereof, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

YMCA

REDEMPTION OF RECREATIONAL FACILITIES REVENUE BONDS, YMCA. (DISTRICTS I AND IV)

Agenda Report No. 05-0525

On August 11, 1998 the City Council approved the issuance of Recreational Facilities Revenue Bonds in an amount not-to-exceed \$9 million to finance facilities for the benefit of the Wichita YMCA. The bond proceeds were used to construct and equip a new YMCA South Branch facility and renovate Camp Hyde. The YMCA is requesting City Council to approve an early call of a portion of the bonds.

Section 302 of the Bond Indenture provides that the Issuer may elect to redeem Bonds subject to optional redemption upon receipt of a written request of the Tenant. The Issuer shall at least 45 days prior to the redemption date give written notice to the Trustee directing the Trustee to call the Bonds.

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The City received notice from the Tenant of a request to call a portion of the bonds and of the company's intention to redeem \$1,000,000 on August 1, 2005.

There is no financial impact to the City resulting from the proposed redemption. The Letter of Credit reimbursement agreement with Bank of America will be the direct source of funds for the redemption. The City will continue to receive its annual administrative service fee as provided for under the Bond Documents.

Motion--
--carried

Mayans moved that the Resolution authorizing an early redemption of a portion of the Series 1998 Bonds be adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-309

Resolution of the Governing Body of the City of Wichita, Kansas, to call a portion of certain recreational facilities revenue bonds, series XI, 1998 (The Young Men's Christian Association of Wichita Project) presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RC ENTERPRISES

PURCHASE OPTION, RC ENTERPRISES. (DISTRICT VI)

Agenda Report No. 0526

On November 20, 1990, City Council approved issuance of \$755,000 in Industrial Refunding Revenue Bonds, Series VI, 1990, for RC Enterprises. The Bonds were issued for the purpose of refunding certain of the City's outstanding Industrial Revenue Bonds issued to pay the cost of acquiring, purchasing, constructing, reconstructing, remodeling, and equipping certain buildings, and improvement located at 125-129 North Emporia.

Under the provisions of Sections 17.1 and 17.2 of the Lease Agreement for Series VI, 1990 Bonds, RC Enterprises, the Tenant, has the option if all outstanding bonds and Trustee Fees have been paid to purchase the facility from the City of Wichita for the sum of \$100. The City of Wichita, on May 23, 2005, received notice from the Trustee that all bonds were paid, and that RC Enterprises desires to take reconveyance. The City will deliver the instruments needed to deed the bond-financed property back to RC Enterprises and terminate the IRB Lease.

The purchase price is \$100 and other considerations as listed under the provision of the Lease Agreement including all payments necessary to redeem and retire all outstanding bonds. This price includes without limitations, the payment of all outstanding principal, interest, and all other expenses of redemption, and trustee fees, after the deduction of any amounts provided for in the Lease Agreement and available for such redemption.

The City is contractually bound to convey the IRB Project property to the Tenant by special warranty deed, once all the conditions established in the Lease have been met. The City Attorney's Office has approved the form of the Resolution, Special Warranty Deed, and Termination of Lease Agreement (each in substantially the form attached to the Resolution, with possible corrections in the legal description).

Motion--
--carried

Mayans moved that the Resolution approving the Special Warranty Deed and Termination of Lease Agreement be adopted and the Mayor authorized to sign, with delivery contingent upon satisfaction of all conditions for reconveyance under the Lease Agreement. Motion carried 7 to 0.

RESOLUTION NO. 05-308

A Resolution Authorizing the City of Wichita, Kansas, to Release Certain Real Property to R-C Enterprises and prescribing the form of and authorizing the execution and delivery of certain Documents in connection therewith, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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ORDINANCES

SECOND READING ORDINANCES: (FIRST READ MAY 24, 2005)

- a) Central and Rock Intersection Improvement. (District II)

ORDINANCE NO. 46-604

An Ordinance amending Ordinance No. 45-006 of the City of Wichita, Kansas declaring the intersection of Central Avenue and Rock Road (472-83393) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

- b) A05-09R - generally located southwest of the intersection of Maple Street and 162nd Street. (District V)

ORDINANCE NO. 46-605

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

NEW BUSINESS

SAN. SEWER MAIN

PETITION TO CONSTRUCT A SANITARY SEWER MAIN TO SERVE AN AREA GENERALLY LOCATED SOUTH OF HARRY, WEST OF 27TH STREET EAST. (DISTRICT II)

Jim Armour

City Engineer reviewed the item.

Agenda Report No. 05-0527

The signatures on the Petition represent 2 of 68 (2.94%) resident owners and 66.95% of the improvement district area. District II Advisory Board sponsored a May 2, 2005, neighborhood hearing on the project. The Board voted 8-0 to recommend approval of the project.

The project will construct a sanitary sewer main for a developed residential area and areas that are in the process of being platted for new development. Access to the sewer main will allow the extension of lateral sewer lines in the future to serve individual homes.

The estimated project cost is \$537,000, with \$268,500 assessed to the improvement district and \$268,500 paid by the Sewer Utility. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.03 per square foot of ownership.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--carried

Schlapp moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

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RESOLUTION NO. 05-300

Resolution of findings of advisability and Resolution authorizing construction of Main, Four Mile Creek Sewer (south of Harry, west of 127th street east) 468-84026, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

SAN. SEWER LAT. PETITION TO CONSTRUCT A SANITARY SEWER LATERAL SYSTEM TO SERVE AN AREA GENERALLY LOCATED SOUTH OF HARRY, WEST OF 127TH STREET EAST. (DISTRICT II)

Jim Armour City Engineer reviewed the item.

Agenda Report No. 05-0528

The signatures on the Petition represent 39 of 62 (62.9%) resident owners and 45.36% of the improvement district area.

The project will construct a sanitary sewer lateral system for a developed residential area that is currently served by private septic tank systems.

The estimated project cost is \$308,000, with the total assessed to the improvement district. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.10 per square foot of ownership.

State Statues provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.

Von Gregg Mr. Gregg stated that he resides at 12425 East Osie and is here to request that a portion of his property be removed from the improvement district for the installation of a sewer lateral system. Stated that they purchased six acres in this addition and had a home built on the property and the country soon became the City and they were annexed in 1999. Stated that they received a letter last month telling them that a developer had purchased land south of their addition and had created an improvement district for a sewer main going through his property. This improvement district included their addition and the estimated cost to him for this sewer main is \$7,800.00, and is not requesting relief from this assessment. Stated that a week later a petition was circulated to form an improvement district for a sewer lateral system and to obtain approval for this petition, different criteria was used. Stated that the estimated cost to him for this lateral system is \$27,200.00. Stated that if we decide that land is getting too expensive to own and City water will soon come to his area, the obvious answer is to sell part of his land or all of it. Stated that he is requesting that his lots 2 and 3 be removed from the sewer lateral improvement district since neither one of these lots could be sold as a building site.

Tisha Myer Ms. Myer stated that she is Mr. Gregg's neighbor and it would be impossible for him to sell off those pieces of land and do anything with it and still have it look like a normal neighborhood. Stated that she would be willing to take a little bit of the portion of that burden to see her neighbor stay in his house and it not to be sold. Asked the Council how she can be involved in this project regarding the laterals and to be able to have any input. Stated that she would like to participate in this process.

Council Member Schlapp Council Member Schlapp explained that this is an either or situation and if either one of the criteria is met in either one these discussions, that is a valid petition. Stated that this is an opportunity to do this the cheapest way at this time. Stated that they made the improvement district large enough so that it would be spread out better and that this is an eventuality and is going to have to happen and that this is the cheapest way for it to happen.

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Jim Armour City Engineer stated that regarding being informed during the process of the lateral construction, if the Council approves this project they will go through the selection process, hire an engineering firm, get the design and during that design phase, they will involve the public.

Motion--carried Schlapp moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-301

Resolution of findings of advisability and Resolution authorizing construction pf Lateral 1, Main 18, Four Mile Creek Sewer (south of Harry, west of 127th street east) 468-84033, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RECORDER'S NOTE (The Council proceeded to take up Consent Item No 11. Action is shown in Agenda order.)

WATER DIST. SYS. PETITION TO CONSTRUCT A WATER DISTRIBUTION SYSTEM TO SERVE AN AREA GENERALLY BOUNDED BY MACARTHUR, SABIN, 37TH STREET SOUTH AND WEST OF BAEHR. (DISTRICT IV)

Jim Armour City Engineer reviewed the item.

(Council Member Skelton momentarily absent)

Agenda Report No. 05-0529

The signatures on the Petition represent 20 of 39 (51.28%) resident owners and 55.74% of the improvement district area. District IV Advisory Board sponsored a May 4, 2005, neighborhood hearing on the project. The Board voted 10-0 to recommend approval of the project.

The project will provide water service to a developed residential area.

The estimated project cost is \$145,000, with \$129,050 assessed to the improvement district and \$15,950 paid by the Water Utility. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.185 per square foot of property. The Utility share is for the cost of eliminating dead end mains.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--carried Gray moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-302

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90072, (north of MacArthur, west of west street) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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PAVE 30TH STREET

PETITION TO PAVE 30TH STREET SOUTH FROM CUSTER TO ST. PAUL. (DISTRICT IV)

Jim Armour

City Engineer reviewed the item.

Agenda Report No. 05-0530

The signatures on the Petition represent 29 of 45 (64.44%) resident owners and 58.72% of the improvement district area. District IV Advisory Board sponsored a May 4, 2005, neighborhood hearing on the project. The Board voted 10-0 to recommend approval of the project.

The project will provide paved access to a developed residential area.

The estimated project cost is \$80,000, with the total assessed to the improvement district. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.30 per square foot of property.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--carried

Gray moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-303

Resolution of findings of advisability and Resolution authorizing constructing pavement on 30th street from the east line of Custer to the west line of Chase and from the east line of Chase to the west line of St. Paul (south of Pawnee, west of Meridian) 472-84215, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

EAST-WEST ALLEY

PETITION TO PAVE THE EAST-WEST ALLEY BETWEEN WOODLAWN AND MISSION, SOUTH OF HARRY. (DISTRICT III)

Jim Armour

City Engineer reviewed the item.

Agenda Report No. 05-0531

The Petition has been signed by one non-resident owner of 79.9% of the improvement district area. There are two other property owners in the improvement district. District III Advisory Board sponsored a May 4, 2005, neighborhood hearing on the project. The Board voted 7-0 to recommend approval of the project.

The project will provide paved alley access to a nursing home parking lot and two residential properties.

The estimated project cost is \$55,000, with the total assessed to the improvement district. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.56 per square foot of ownership.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--carried

Skelton moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

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RESOLUTION NO. 05-304

Resolution of findings of advisability and Resolution authorizing improving the East-West Alley between Woodlawn and Mission Road, south of Harry 472-84022, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

PUBLIC SAFETY

PUBLIC SAFETY AVL.

Kirk Swilley and
Mike Rudd

Director of IT/IS and Deputy Fire Chief reviewed the item.

(Council Member Fearey momentarily absent)

Agenda Report No. 05-0532

In January of 2002, the City of Wichita Council approved a Memorandum of Understanding (MOU) with Sedgwick County and Kansas Department of Transportation (KDOT) for the participation of the City of Wichita in Intelligent Transportation Systems (ITS) for the Wichita-Sedgwick County Area. This agreement identified \$6,250,000 (comprised of \$3,750,000 from KDOT, and \$1,250,000 each from Sedgwick County and the City of Wichita) for ITS projects. A Supplemental Agreement was approved in September of 2004 to share an additional \$5,742,782 of federal funds for ITS in this region, resulting in a grand total of \$11,992,782 for ITS projects.

One of the projects envisioned by ITS for this region is Automated Vehicle Location (AVL) for Public Safety vehicles that would be integrated with the 911 dispatch capability. AVL will enable the tracking of the location of public safety vehicles, improving the dispatch and coordination of emergency response resources across the region. For the City of Wichita, this means all Police and Fire vehicles will be equipped with AVL.

Studies were conducted by the regional ITS partners to determine what was required to implement AVL for this purpose. As a result, required components were identified and agreed upon by all parties. Key components included: 1) an upgrade to the existing 911 emergency communications infrastructure; 2) software for use with the Computer Aided Dispatch (CAD) 911 system; 3) antennae/radio modems and GPS units for vehicles; and 4) laptops and mounts to secure them in the vehicles. The total cost of the project is projected to be \$2,418,232. A Supplemental Agreement between the City of Wichita, Sedgwick County and KDOT to proceed with this project is presented for Council approval at this time.

Also part of this project was the selection of mounts to secure laptops within vehicles. An RFP was issued for this purpose, and a selection committee consisting of members of City of Wichita Fire, Police, Public Works Fleet Services, OCI, Water & Sewer, IT/IS and Purchasing as well as representatives from Sedgwick County reviewed the responses. First Mobile Technologies was selected to provide the mounts for Fire vehicles, and Precision Mount Technologies for Police vehicles. The total estimated cost of these contracts are \$69,100 and \$200,160, respectively. These agreements will also include installation services. Although the initial purchase is for Police and Fire vehicles only, the contract will create a contract through which future purchases of mounts for other City of Wichita vehicles should the need arise.

Total cost of the project is \$2,418,232. In 2002, under Section 5208, FHWA allocated \$992,782, from the Intelligent Transportation Systems (ITS) Integration Program for the State of Kansas, specifically the Wichita-Sedgwick County region. This funding was identified and approved in a City Council Meeting on September 14, 2004. The funding was designated to establish a program, entitled the "City of Wichita-Sedgwick County Region Automatic Vehicle Location (AVL) Mobile Data Computer (MDC) Integration Project". This FHWA funding requires a 100% local match, which shall be provided as follows: 1) KDOT will provide total not to exceed \$855,270; 2) Sedgwick County 911 funds will

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provide up to a total of \$500,000; 3) after Sedgwick County has depleted it's funding, the City shall then provide the remainder, with a project total not to exceed \$70,180.

A Supplemental Agreement detailing the expenditures for this project has been reviewed by the Legal departments of KDOT, Sedgwick County, and the City of Wichita.

The contracts for the mounts will be reviewed by City of Wichita Legal Department.

Council Member Brewer Council Member Brewer stated that he attended several days of disaster training in Alabama and he had an opportunity to talk to the chief because this seemed to be a problem for them also, with too many people on the airways and blocking various different transmissions that are actually able and capable of going out. Stated that with this new system it would also identify roads that are blocked and someone can navigate them to let them know in advance to prevent any delays in response time. Stated that this is a good thing and an important tool for us.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Mayans moved that the Supplemental Agreement with KDOT and Sedgwick County be approved; the contracts with First Mobile Technologies and Precision Mount Technologies be approved and the necessary fund transfers and signatures authorized. Motion carried 7 to 0.
--carried

POSITION CLASS. AMENDMENTS TO POSITION CLASSIFICATION ORDINANCE.

Lori Wilkerson Interim Human Resource Director reviewed the item.

(Council Member Martz momentarily absent)

Agenda Report No. 05-0533

Throughout the year, Human Resources identifies routine "housekeeping" corrections and changes needed to keep this ordinance up-to-date and to implement Council and management decisions that have been made since the last ordinance.

The proposed amendments are itemized below.

Titles deleted:

Energy Supervisor – not in use since 2000; program no longer in existence

Historic Museum Manager – not in use since 2003

Maintenance Laborer – not in use for many years

Turf Management Specialist – not in use for several years

Replacement titles – These result from job description revisions, and revising titles to update, correct and/or reflect revised duties.

Proposed Title	Current Title	Comment
Airport Operations Coordinator	Administrative Assistant	New title to better describe the unique job; Administrative Assistant title not deleted
Bus Utility Worker	Bus Porter	Replace dated title
	City Hall Express Manager	Budget Analyst New title to better describe the unique job; Budget Analyst not deleted.
Fire & Medical Rescue Coordinator	Coordinator of Fire & Medical	Revise title to be consistent with Rescue other coordinator" titles

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Park & Recreation Manager – Watson	Watson Park Manager	Title change to reflect revised Park duties
Photo Technician	Photo Technician I and II	Only II has been used for several years. Photo technician will be at the II level – 617
Sales & Public Relations Coordinator	Program Development	New title to better describe Coordinator unique job at Century II; PDC title not deleted

New positions:

Assistant Director of Housing and Community Development – management range 005
Approved for 2005 budget in place of a different position
City Hall Security Officer – non-exempt range 621
City Hall Security Screener – non-exempt range 615
City Hall Security Supervisor – exempt range 117
Security program approved for 2006 budget
Contract Compliance Officer – exempt range 118
Approved by Council on May 10, 2005
Irrigation System Supervisor – non-exempt range 623
Approved in 2005 budget
Patron Services Assistant (Century II ticketing)– exempt range 120
Patron Services Manager (Century II ticketing) – exempt range 117
Ticketing program approved for 2005 budget

Corrections:

Bacteriologist – change range from 119 to 117 to correct error in December 2004, ordinance.
Water Quality Program Supervisor – change range from 116 to 115 to correct error in December, 2004, ordinance.

These amendments are either no-cost corrections and changes, or have already been approved for the 2005 or 2006 budget with only the related titles being authorized by this ordinance. There are no pay changes because of these amendments.
(Council Member Brewer momentarily absent)

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Mayans moved that the amendments to the Position Classification Ordinance be adopted. Motion carried 7 to 0.

ORDINANCE

An Ordinance establishing position classifications for employees of the City of Wichita and prescribing pay rates by reference to position classifications in the schedule of pay ranges amending Ordinance no. 46-431, introduced and under the rules laid over.

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COMMUN. EVENTS

COMMUNITY EVENTS.

Dana Brown

DAB Supervisor/DAB V Neighborhood Assistant reviewed the item.

Agenda Report No. 05-0544

The City has used an established practice to assist citizens who request use of public property for a "special event." The process includes an application and review process for event activities and site that provides direction for public health and public safety, and compliance with city codes and state regulations.

Currently, the application and review process used is dependent upon the public property requested for use, as follows: Applications are submitted to the City Manager's Office for general public property, to the Parks & Recreation Department for park property, and to City Arts for Old Town Plaza.

The approval process has been effective but continues to present challenges for both applicant and staff due to a variety of issues associated with frequency, uniqueness and time constraints of requests. An interdepartmental committee meets regularly to review each event application for issues of concern related to public health and safety while maintaining consistency in approvals and compliance. Throughout the review process, the committee works with the applicant to resolve issues and identify options as needed.

A new ordinance for Community Events is proposed to simplify the application process for citizens. In addition to creating one point for submitting applications, it will also directly address issues of code compliance, safety, and consideration of residents with respect to property access, noise, and lighting for surrounding neighborhoods.

As directed by City Council on March 1, 2005, staff presented the proposed ordinance to all District Advisory Boards (DABs) in April. Comments and suggestions from DABs have been implemented in the proposed ordinances and amendments, where feasible.

In addition to the creation of the proposed new ordinance for Community Events, the following revisions to existing city codes are recommended:

1. Noise: Creation of Sections 7.41.030, 7.41.042, 7.41.043 and 7.41.045
· Created to address sound associated with event, typically amplified music, to apply same noise levels limits to parks as currently used for commercial zoning, and to provide an appeal process
2. Conduct in the Park: Creation of Sections 9.04.030, 9.04.040, 9.04.080 and 9.04.180, 9.04.190 and repeal of the originals 9.04.030, 9.04.040, 9.04.070, 9.04.080 and 9.04.190.
· Created and amended sections associated with approval of community events, parades, and sound and disturbing conduct
3. Obstructing Streets and Sidewalks: Amendments to Sections 10.04.130
· Amended to allow obstructions associated with approved community event

No fee is currently associated with a community event. The proposed fee schedule included in the proposed ordinance, 3.10, and is based on time of application submittal. Approximately \$8,000 revenue would be generated based on a average fee of \$100.00 for the typical number of 80 annual total applications to the city.

Council Member Skelton

Council Member Skelton stated that it is not clear to him of what the criteria that defines what a special event would be.

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- Gary Rebenstorf Director of Law explained that in the definition of community events it has to do with any activity where there is public participation or spectators and we have a language saying that it is including but not limited to and then sets out different types of activities and one of those is community celebrations, which would fit within a neighborhood organization having a community celebration. Stated that these types of events where they occur on public property according to these definitions would be subject to getting a permit. If the City was sponsoring that event, he does not think that there would be a requirement.
- Council Member Skelton Council Member Skelton stated that his DAB had expressed these concerns and does not think all of the answers have been given to where this is completely understood. Stated that he would like to discuss this with his DAB again and follow up with staff before approving this.
- Council Member Fearey Council Member Fearey stated that she thinks that the noise part of this is good but she agrees with Council Member Skelton and also has some concerns and that they all received an e-mail from Ed Wolverton at Wichita Downtown Development Corporation. Stated that she thinks this is confusing and it is obvious that not all of the Council Members understand exactly what we are asking neighborhoods to do. Stated that she feels like this is not ready to be adopted today and needs to have some input from a group like Wichita Independent Neighborhoods, that can look at it from a neighborhood aspect. Stated that she would like to get more input and make sure that what we are doing with this is going to help make our community the vibrant community with weekend activities and evening activities, that bring and keep our young people here. Stated that she will either support or make a motion to defer this for an indefinite period of time until we can get enough people involved in it and are comfortable with it.
- George Kolb City Manager stated that he has listened to the concerns and agrees to defer this but ask not to defer this indefinitely. Stated that we do not have a user friendly system and need to try and provide a structure that is more user friendly and that we can implement in a seamless fashion that encourages what you are looking at in terms of weekend events. Stated that we will bring back a more simplified ordinance in order to gain that user friendly environment that we are trying to create for this particular process.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.
- Motion-- Fearey moved to defer the proposed special events ordinances for the time necessary that staff needs to work on them; meet with the Council Members in order to see what groups they want them to meet with also; and then bring it back to Council. Motion carried 7 to 0.
- carried

PLANNING AGENDA

- Motion-- Mayans moved that the Planning Consent items 33 through 40 be approved as presented. Motion carried 7 to 0.
- carried

(Agenda Item 32) ZON2005-00013

ZON2005-00013-ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL. GENERALLY LOCATED NORTH OF CENTRAL AND WEST OF GILDA. (DISTRICT V)

- John Schlegel Planning Director reviewed the item.

Agenda Report No. 05-0534

MAPC Recommendations: Approve, subject to the dedication of access control on West Central Avenue, allowing one opening, vote (9-4).

MAPD Staff Recommendations: Approve, subject to the dedication of ten feet of right-of-way on Central, and dedication of additions to the utility easements on the north and west boundaries, bringing them up to recommended City standards.

DAB Recommendations: Not applicable.

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The applicant requests LC Limited Commercial zoning on a .47-acre site housing a former church that is currently zoned SF-5 Single-family Residential. This site is located north of Central and west of Gilda, just west of the Central and I-235 intersection. The proposed use is for commercial development. North of the application area are SF-5 zoned single-family residences. South of the site, across Central, are LC zoned restaurants, office uses and auto service. East of the site is a LC zoned auto service use and I-235. West of the site are LC zoned office uses. A federally funded traffic study for the Central/I-235 interchange, under KDOT management, will begin in July 2005; the study is expected to take 18-24 months and does not currently have construction funding.

As part of its recommendation for approval, staff had recommended that an additional ten feet of right-of-way be dedicated for Central Avenue and additions to the utility easement on the north and west boundaries. The additional right-of-way was requested by Public Works because of expected future improvements to Central. The additions to the utility easement were requested by Water and Sewer in order to bring them to current standards.

MAPC heard this request on April 28, 2005, and no members of the public spoke regarding the request. MAPC moved to eliminate the staff recommended right-of-way dedication on Central and the additional utility easement dedications. MAPC approved the request, by a vote of 9-4, subject to dedication of access control on Central, allowing for one opening.

- Council Member Martz Council Member Martz stated that he realized that the study is not going to start for another month and there is no funding anywhere for the actual project but at the same time feels that it is very important that we are looking not at just what is happening today but on down the road. Stated that the applicant stated that 30 years ago the City should have acquired all of this land so that Central could have been built correctly and it was not so why are you doing it now. Stated that his response to him was that the reason this is coming up now and regarding the ten-foot easement is because he does not want 10 to 20 years from now, someone to accuse him of not having enough foresight to look into a development that should happen. Stated that he does not want to face a potential condemnation and that this is a situation that this is going to come into play with the improvement of Central and I-235. Stated that he feels that we owe it to the taxpayers to not wait for condemnation hearings but to take some action today. Stated that he is going to ask for the dedication of the ten-foot on Central.
- John Schlegel Planning Director explained that the reason that the MAPC said not to do this is because it is a property rights issue and that they feel that if there are no current plans with funding allocated for development of that project, then it is not fair to ask the property owner to dedicate that additional right of way. Stated that he feels at some point that the widening of Central in this area is going to have to happen but cannot predict when that will happen because we do not have the funding to do that. Stated that this would come after improvements were made to the overpass of 235 over Central.
- Motion-- Martz moved to concur with the findings of the MAPC and approve the Zone Change to "LC" Limited Commercial, subject to the dedication of access control on Central Avenue, allowing for one opening and the dedication of a ten- foot sidewalk and utility easement along Central Avenue; instruct the Planning Department to forward the ordinance for first reading when the dedication has been recorded
- carried with the Register of Deeds. Motion carried 7 to 0.

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VAC2003-00044

VAC2003-00044-REQUEST TO VACATE A PORTION OF PLATTED COMPLETE ACCESS CONTROL, GENERALLY LOCATED AT THE NORTHWEST CORNER OF BOSTON STREET AND WEBB ROAD. (DISTRICT II)

Agenda Report No. 05-0535

Staff Recommendation: Approve

MAPC Recommendation: Approve (Unanimously)

The applicant proposes vacation of a portion of the platted complete access control along the Webb Road side of Lot 1, Don & Marvin Addition. Currently, there is no access allowed onto the site from Webb Road. The applicant is requesting one point of access onto Webb Road, as approved by the Traffic Engineer, at the time of development on the site. There is a CUP amendment, CUP2003-44, that has been approved that references the vacation case and its need for completion. The Don & Marvin Addition was recorded on January 24, 1995.

The MAPC voted to approve (11-0) the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order allowing one point of access onto Webb Road, as approved by the Traffic Engineer at the time of development on the site, will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.
Motion carried 7 to 0.

VAC2004-00018

VAC2004-00018-REQUEST TO VACATE THE 24TH STREET NORTH RIGHT-OF-WAY, GENERALLY LOCATED BETWEEN BURNS AVENUE AND SALINA AVENUE. (DISTRICT VI)

Agenda Report No. 05-0536

Staff Recommendation: Approve

MAPC Recommendation: Approve (Unanimously)

The applicants are requesting consideration to vacate an undeveloped section of the 24th Street North right-of-way (ROW). The approximately 47-foot wide by 270-foot long ROW section is located between Salina Avenue and Burns Avenue with Lots 12 & 13, Block A, Community Addition abutting its north side and Lots 1 & 12, Block C, Community Addition abutting its south side. All of the abutting property owners have signed the application and petition to vacate the section of 24th Street North as previously described.

The section of 24th Street North proposed to be vacated was originally shown as an "Exception" on the Community Addition plat, which was recorded on January 25, 1954. The plat's text does not reference the use or purpose of the "Exception" shown on the plat. The City of Wichita's Board of Commissioners adopted Condemnation Ordinance #22-783 on April 3, 1957, which turned the "Exception" into the described portion of the 24th Street North ROW. This portion of 24th Street North was never developed and has curbing at its point of intersection with Salina Avenue and Burns Avenue. The ROW is currently grass and trees, 24th Street North is classified as a residential road. There are sewer lines crossing, north to south, through the 24th Street North ROW, but no water lines. There are franchised utilities in the ROW. The whole vacated ROW will be retained as a utility easement. Setbacks are per the current Unified Zoning Code for the "SF-5" Single-family Residential zoning district and will move with the new property lines created by the vacated ROW.

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NOTE: The original vacation request also included the 24th Street North ROW located between the Woodland Avenue & Burns Avenue. At the May 27, 2004 Subdivision Committee meeting, one of the applicants (Lot 21, Block D, Community Addition) abutting 24th Street North, between Woodland Avenue & Burns Avenue, withdrew their support of the vacation request. This applicant's withdrawal prevented the section of 24th Street North between Woodland Avenue and Burns Avenue from being vacated along with the section on today's agenda.

The MAPC voted (11-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order, dedications of additional easement and restrictive covenants will be recorded with the Register of Deeds. Retain the vacated right-of-way as a utility easement.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.
Motion carried 7 to 0.

VAC2004-00068

VAC2004-00068-REQUEST TO VACATE A PLATTED CONTINGENT DEDICATION OF STREET RIGHT-OF-WAY, GENERALLY LOCATED APPROXIMATELY ¼ MILE EAST OF 127TH STREET EAST, SOUTH OF HARRY STREET, MORE SPECIFICALLY LOCATED SOUTHEAST OF THE TRIPLE CROWN STREET AND BUCKSKIN STREET INTERSECTION. (DISTRICT II)

Agenda Report No. 05-0537

Staff Recommendation: Approve

MAPC Recommendation: Approve (Unanimously)

The applicant is requesting vacation of the platted contingent dedication of street right-of-way (ROW) that runs parallel to the north lot line of Lot 12 and the south lot line of Lot 12, all in Block 2, all in the Equestrian Estates Addition. Property east of the site, where the contingent dedication of street ROW ends, is not developed. One property east of the site is platted as Lot 1, Block 1, Timber Valley Estates 2nd Addition. There is dedicated public ROW that connects the Equestrian Estates Addition with the south abutting Sierra Hills Addition, which in turn is connected to the undeveloped and not platted "SF-20" zoned properties to the east by dedicated public ROW. These connections to the eastern properties are at the approximately mid-mile area. The contingent dedication of ROW is within Reserve "C" which is reserved for drainage, ponds, floodways, gazebos, benches, walkways, recreation facilities, landscaping walls, irrigation systems, horseback riding and utilities confined to easements. There are no water lines in the contingent dedication of street ROW. Westar has equipment in a 10-foot easement, dedicated by separate instrument, that runs parallel to the north lot line of Lot 12 and the contingent dedication of street ROW; 5-foot of the 10-feet is in Lot 12 and the other 5-feet is in the contingent street ROW. There is a sewer line that runs through the contingent dedication of street ROW, where it crosses over the eastern portion of Reserve "C". The Equestrian Estates Addition was recorded with the Register of Deeds on October 2, 2001.

The MAPC voted (12-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds. Reserve "C" will be retained.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.
Motion carried 7 to 0.

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VAC2005-00007

VAC2005-00007-REQUEST TO VACATE A PORTION OF PLATTED COMPLETE ACCESS CONTROL, GENERALLY LOCATED NORTH OF 21ST STREET NORTH AND ON THE EAST SIDE OF WEBB ROAD. (DISTRICT II)

Agenda Report No. 05-0538

Staff Recommendation: Approve

MAPC Recommendation: Approve (Unanimously)

The applicant has applied for the vacation of a portion of the complete access control along the site's south 50-feet of the north 60-feet of its Webb Road frontage. This will allow one right-in right-out driveway from Lot 4, Block 1, the Tallgrass East Commercial Addition. The applicant's request will not add another drive/opening onto Webb Road, but will realign the north most platted drive/opening. The subject site is on the northeast corner of the 21st Street North and Webb Road intersection. The subject site is part of CUP DP-168, which has integrated access, circulation and parking, including two existing platted access/drives onto 21st Street North and another one onto Webb Road. The current platted access/drive is 176.32-feet south of the proposed access/drive. At this location, Webb Road is a four-lane arterial with a turn lane on its east side abutting the subject site. On the west side of Webb Road, across the street from the subject site, the platted Webb Road Booster Pumping Station Addition has one allowed drive/access along its 600-feet of Webb Road frontage. This existing drive lines up just south of the subject site's current platted drive/access and is approximately 200-feet south of the proposed drive. The other nearest (north of the proposed drive) street or drive intersection onto Webb Road is approximately 1,200-feet north of the proposed drive. With the proposed drive there would be three drives on the east side of Webb Road within the first 700-feet north of the 21st Street North and Webb Road intersection. There are no franchised utilities, water or sewer lines located on this side of the Webb Road right-of-way. The Tallgrass East Commercial Addition was recorded with the Register of Deeds on February 22, 1989.

The MAPC voted (9-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order and dedication of access control will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.
Motion carried 7 to 0.

VAC2005-00017

VAC2005-00017-REQUEST TO VACATE PLATTED COMPLETE ACCESS CONTROL, LOCATED ON THE NORTHEAST CORNER OF THE CENTRAL AVENUE AND TYLER ROAD INTERSECTION. (DISTRICT V)

Agenda Report No. 05-0539

Staff Recommendation: Approve

MAPC Recommendation: Approve (Unanimously)

The applicant has applied for the vacation of the platted complete access control along the site's east 60-feet of its Central Avenue frontage. The request will remove the eastern drive located on the site and realign it approximately 25 to 30-feet east of its current location. There will be no new drives/openings onto Central Avenue from the site, only the realignment of one of the existing drives/openings. The subject site is part of CUP DP-11, which has integrated access, circulation and parking, including three existing/permitted platted access/drives onto Central Avenue from the site. At this location, Central Avenue is a four-lane arterial with turn lanes on its north and south sides and a center turn lane. South of the site, across Central Avenue, are two existing drives which line up approximately with the site's existing drives and the proposed realigned drive. There are no franchised

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utilities, water or sewer lines located in this side of the Central Avenue right-of-way (ROW). The Tyler Acres 5th Addition was recorded with the Register of Deeds on September 2, 1983.

The MAPC voted (10-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order, a drive approach closure certificate and a dedication of abutter's access rights will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.
Motion carried 7 to 0.

SUB2004-92

SUB2004-92-PLAT OF BLATTNER ADDITION, LOCATED EAST OF 135TH STREET WEST AND ON THE NORTH SIDE OF 13TH STREET NORTH. (DISTRICT V)

Agenda Report No. 05-0540

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (9-1)

The negative Planning Commission vote indicated a Commissioner's concern with the proportional cost of configuring and installing a traffic signal.

This site, consisting of two lots on 18.57 acres, has recently been annexed into the City. This plat is subject to the Louis Street Development Residential and Commercial Community Unit Plan (CUP 2003-15 and CUP 2003-16, DP-264). A CUP Certificate has been submitted. Zone changes (ZON 2003-16 and ZON 2003-18) from SF-5, Single-family Residential District and SF-20, Single-family Residential District to LC, Limited Commercial District have been approved.

Petitions, all 100 percent, and a Certificate of Petitions have been submitted for sanitary sewer, left and right-turn lane, accel/decel lane and traffic signalization improvements. An Access Easement for the benefit of Lot 2, Block A and a Restrictive Covenant for future joint access to the property to the east have also been provided.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days. Publication of the Ordinances should be withheld until such time as the plat is recorded with the Register of Deeds.

The CUP Certificate, Certificate of Petitions, Access Easement and Restrictive Covenants will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved; the necessary signatures authorized; the Resolutions adopted and the Ordinances placed on first reading, with publication being withheld until the Plats are recorded with the Register of Deeds. Motion carried 7 to 0.

ORDINANCE

Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. (ZON 2003-16)

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ORDINANCE

Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. (ZON 2003-18)

RESOLUTION NO. 05-305

Resolution of findings of advisability and Resolution authorizing construction of Lateral 9, Main 5, Northwest Interceptor Sewer (east of 135th street west, north of 13th) 468-84017, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-306

Resolution of findings of advisability and Resolution authorizing constructing a Left Turn Lane and Right Turn Lane Continuous Deceleration Lane on 13th Street North to serve Blattner Addition (east of 135th street west, north of 13th) 472-84023, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-307

Resolution of findings of advisability and Resolution authorizing constructing a Traffic Signalization Device on 13th Street to serve Blattner Addition (east of 135th street west, north of 13th) 472-84024, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

SUB2005-14

SUB2005-14-PLAT OF MOLITOR ADDITION, LOCATED NORTH OF 29TH STREET NORTH AND WEST OF HYDRAULIC. (DISTRICT VI)

Agenda Report No. 05-0541

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

This unplatted site, consisting of one lot on 11.2 acres, is located within Wichita's city limits and is zoned GI, General Industrial District. Municipal services are available to serve the site.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

Motion--
--carried

Mayans moved that the plat be approved and the necessary signatures authorized. Motion carried 7 to 0.

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DED2005-14

DED2005-14-DEDICATION OF STREET RIGHT-OF-WAY, LOCATED SOUTH OF 37TH STREET NORTH AND ON THE EAST SIDE OF WOODLAWN. (DISTRICT I)

Agenda Report No. 05-0542

MAPC Recommendation: Accept the Dedication. (10-0)

This dedication is associated with a zoning case (ZON 2004-12). The Dedication is for additional street right-of-way along Woodlawn.

The Dedication has been reviewed and approved by the Planning Commission.

The Dedication will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedication be accepted. Motion carried 7 to 0.

AIRPORT AGENDA

PROGRAM MANAG. TERMINAL AREA PROGRAM - PROGRAM MANAGER CONTRACT - WICHITA MID-CONTINENT AIRPORT.

Tom Nolan

Interim Airport Director reviewed the item.

(Council Member Skelton momentarily absent)

Agenda Report No. 05-0543

On August 13, 2002 the Wichita Airport Authority approved a study of the terminal area at Mid-Continent. That study, conducted by consulting firm HNTB, was presented to the Wichita Airport Authority on October 12, 2004 and it recommended the construction of a new passenger terminal building. The Wichita Airport Authority voted 7-0 in favor of the study recommendations and directed staff to solicit for program management services to oversee the new terminal project. Staff has completed the solicitation and selection process as outlined in the Council Workshop on Tuesday, May 24th. The selection process was guided by City Administrative Regulations and Federal Procurement Guidelines and drew submittals from ten nationally recognized airport consulting firms. Four were interviewed by an eight-member selection committee, which then rated DMJM Aviation as the number one firm.

The Terminal project has been identified in the Airport Capital Improvement Program (CIP) and this Program Management is one element of this program. Consistent with FAA regulations, a scope of services has been identified, fees have been negotiated, and a contract developed. An independent cost assessment was also conducted by another consultant to confirm the negotiated fees are reasonable. The contract term is for five years with a not-to-exceed amount of \$4,552,857 which averages to about \$910,000 annually.

The Program Management professional services amount of \$4,552,857 will be funded with eligible Federal Airport Improvement Grant funds, Airport Passenger Facility Charges, and General Obligation Bonds paid for with airport revenue. A budget of \$4,700,000 is requested for this phase of the project. The remaining budget will be used to fund expenses related to the overall program.

(Council Member Brewer momentarily absent)

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Mayor Mayans

Mayor Mayans stated that he was not sure how he was going to vote on this and would like to make some comments. Stated that this is a very important project for our community and thinks it is not often that we have the opportunity to tackle a challenge that opens the window of our community to others through aviation and Mid Continent Airport is certainly that and is an economic development tool that we have been using for quite some time and is very important. Stated that he thought that at the workshop there were great presentations from DMJM and they had every right to come and make a presentation to defend themselves and did an excellent job. Stated that his issue is with the process and felt that in the Administrative Regulations, it called for some involvement in their part and the Council had very little involvement in the process and because of that, there was a lack of communication that prevailed in this particular issue. Stated that he feels that there should have been better communication and hopefully we can learn from this project for future projects but thinks that the Council should have played a role in concurring with some of the screening committee's findings, which they did not have an opportunity to concur with. Stated that the Council should have that ability on the projects to concur with the findings and have information and before staff gets involved in the negotiation of the contract, that the Council should have the concurrence ahead of time. Stated that the steps should be concurrence from the Council as to the screening committee's findings and then the negotiation of the contract because if the contract is negotiated, then we are only reacting and do not have any involvement in it. Stated that staff has to do due diligence ahead of time to make sure that the Council knows all of the details of the transactions and any allegations that may be made by opponents or whoever is out there in the community that does not understand the issues as well as they do. Stated that as we undertake this particular project, that we continue to have communication between staff and the Council Members as the projects begin to develop and unfold.

Motion--
--carried

Mayans moved that the project budget and the contract be approved; the resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. A-05-005

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvements to the Wichita Mid-Continent Airport Facility; and setting forth the nature of said improvements; the estimated costs thereof; and the manner of payment of same, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

CITY COUNCIL

TRAVEL EXPEND.

APPROVAL OF TRAVEL EXPENSES FOR MAYOR TO ATTEND LKM GOVERNING BODY MEETING IN SALINA, JUNE 16-17, 2005.

RECORDER'S NOTE (Item not to be addressed per Mayor's office)

BOARD APPTS.

BOARD APPOINTMENTS.

Council Member Brewer Council Member Brewer requested that the following persons be appointed: John Youle, Board of Code Standards & Appeals; Dr. Glen R. Dey, Board of Park Commissioners; Erma Markham, Board of Zoning Appeals; Janet Lloyd-Williams, Cultural Funding Committee; George Platt, Historic Preservation Board; Denise Sherman, Metropolitan Area Planning Commission; Carrie Jones-Williams-Police & Fire Retirement Board of Trustees; Lori Lawrence, Wichita Access Advisory Board; U.L. (Rip) Gooch, Wichita Airport Advisory Board; Bob Alford, Wichita Area Sister Cities Board; Harold Schletwig, Wichita Employee's Retirement Board; Dean Noble, and Wichita Public Building Commission.

The following persons to be appointed to DAB 1:
Debby Moore, Treatha Foster-Brown, Sharon Kay Myers, James Thompson, Gerald Domitrovic, Debra Miller, Lois Tully-Gerber and Steven D. Roberts.

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The alternates are Inga Taylor and youth from Wichita Heights High School, Michael Ross.

Council Member Skelton Council Member Skelton requested the following persons be appointed:
Bill Ward, Airport Advisory Board; Hoyt Hillman, MAPC; Steven Antimides, BZA; John Kemp, Board
of Park Commissioners and Stephanie Mankus, Police & Fire Retirement Trustees.

RECORDER'S NOTE: The Motion was not completed and a second and vote did not take place. The appointments will be voted on at the June 14, 2005 Council Meeting.

EXECUTIVE SESSION

Motion-- Mayans moved at 11:30 p.m. that the City Council recess into Executive Session to consider:
Consultation with legal counsel on matters privileged in the attorney-client relationship relating to:
potential litigation, legal advice and confidential data relating to the financial affairs or trade secrets of a
business and that the Council return from Executive Session no earlier than 12:30 p.m. and reconvene
--carried in the City Council Chambers of City Hall. Motion carried 7 to 0.

RECONVENE The Council reconvened in the City Council Chambers at 12:30 p.m.

Motion--carried Mayans moved that the Executive Session be extended until 1:00 p.m. Motion carried 4 to 0, (Brewer,
Martz and Schlapp absent).

RECONVENE The City Council reconvened in the City Council Chambers at 1:05 p.m. Mayor Mayans stated that no
action was taken.

Motion--carried Mayans moved at 1:05 p.m. that the Executive Session be closed. Motion carried 4 to 0, (Brewer,
Schlapp and Skelton absent).

Motion--carried Mayans moved at 1:06 p.m. that the Regular Meeting be closed. Motion carried 4 to 0, (Brewer,
Schlapp and Skelton absent).

Adjournment The City Council meeting adjourned at 1:06 p.m.

Karen Sublett
City Clerk

Workshop followed in the First Floor Board Room